



# City of Villa Park

## Application for Variance Permit

### INSTRUCTIONS FOR A PROPERTY DEVELOPMENT VARIANCE PERMIT APPLICATION

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<b>Application Filing Fee for New Permit:</b>	<b>\$3,166.80</b>
<b>After the Fact:</b>	<b>\$3,166.80</b>
<b>Extension:</b>	<b>\$1,420.56</b>

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Prior to submittal of any Variance Application, a Site Plan Review must be conducted. If after a Site Plan Review it is determined that a Variance is necessary, a Variance Application must be completed. Fees paid for a Site Plan Review may be deducted from the Application Filing Fee for the Variance Application.

The applicant shall prepare all required exhibits. All plans, legal descriptions and supporting documents must be submitted on sheets not less than 8 ½" by 11". Plans must be carefully drawn and easily readable. If a plan is not so drawn, it will not be accepted for filing. Plans may be submitted electronically as long as they are readable when printed at 11"x17". Applicants are encouraged to submit at least a site plan and elevation plan electronically.

#### **Required Documents:**

1. **PLOT PLAN** – Twelve (12) copies drawn to scale containing at a minimum the following information (plans must be folded no larger than 8 ½" x 14") (A sample plot plan is available at the public counter):
  - a. Title Block (including applicant's name, project name, project address, vicinity map, date drawn, and directional indicators)
  - b. Property lines of the subject property, including dimensions.
  - c. Buildings, existing and proposed, showing location, size and setbacks from property lines.
  - d. Property data and calculations showing the following:
    - i. Lot dimensions and net lot area.
    - ii. Existing and proposed building areas.
    - iii. Building setback requirements and proposed building setbacks.
    - iv. Lot coverage calculations including lot coverage allowed and lot coverage requested (expressed in figures and as a percentage).
    - v. Floor area allowed, requested floor area, and floor area ratio.
    - vi. Existing and proposed building heights.
  - e. Exterior elevations and floor plans for all proposed and existing structures.
  - f. Location of structures on adjoining properties within 25' and showing setbacks from property lines.
  - g. Streets names, locations, and width of right-of-way adjacent to site.
  - h. Easements, location, purpose and width.

**Did You  
Include It?**

- i. Parking areas including driveways.
- j. Walls and fences, existing and proposed, showing type, location, and height.
- k. Landscaped areas, existing and proposed.
- l. Topography of site and adjacent property within 25’.
- m. Signs, location, height, dimensions and copy, if applicable.
- n. Other outdoor structures and facilities; show location and use.

2. **LETTER OF JUSTIFICATION** – One (1) copy written by the applicant that clearly describes and explains the requested exception and how the proposed exception is justified in reference to municipal code regulations.

Did You Include It?

- a. Section 23-19.2 of the Villa Park Municipal Code: “...a. Variance from the terms of the zoning chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated...”
- b. Variance requests must include a statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of the specified regulation, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in subsection 23-19.11.
- c. For a Variance to be approved, the City Council must make findings of fact that establish that the circumstances in paragraphs i, ii, or iii and in paragraphs iv and v below do apply.
  - i. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.
  - ii. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone.
  - iii. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
  - iv. That the granting of the variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties classified in the same zone.
  - v. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. **LEGAL DESCRIPTION** – One (1) copy of the property involved, including a description of easements and rights-of-way that provide access thereto. In some cases, a copy of the recorded grant deed may be required. Where the property consists of lots on a recorded tract or parcel map, the information may be noted on the plot plan.

Did You Include It?

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| <p>4. <b>LETTER OF AUTHORIZATION</b> – An original letter of authorization is required where the property owner is not the applicant. The letter shall state that the applicant has the owner’s permission to file the subject request on the property. The owner or an authorized agent must sign the letter.</p>  | <p><b>Did You Include It?</b></p> <p><input type="checkbox"/></p> |
| <p>5. <b>PUBLIC NOTICE</b> – Furnish two (2) sets of self-adhesive labels for all persons whose names and addresses appear on the most recent assessment roll for Orange County as owning property within a distance of 300 feet from the exterior boundaries of the property to which the applications pertains. A radius map showing the property in question and the 300-foot radius must be included. The radius is measured by traversing 300 lineal feet from every corner extremity of the subject property. All properties within the radius, even if they intersect the radius line must be notified (a sample radius map is available at the public counter).</p> | <p><b>Did You Include It?</b></p> <p><input type="checkbox"/></p> |
| <p>6. <b>FILING OF APPLICATION</b> – The applicant must present all exhibits in person at City Hall, 17855 Santiago Boulevard. Filing hours are 8 a.m. to 4 p.m. Monday through Friday. When all required documents and exhibits have been completed and accepted, the date of the public hearing will be set. The applicant or his authorized agent should be present at the public hearing.</p>   | <p><b>Did You Include It?</b></p> <p><input type="checkbox"/></p> |

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**ONE VARIANCE APPLICATION MAY BE FILED FOR MORE THAN ONE REGULATION APPLICABLE TO THE SAME SITE, OR FOR SIMILAR VARIANCES ON TWO (2) OR MORE ADJACENT SITES WITH SIMILAR CHARACTERISTICS.**

**ACTION BY THE CITY COUNCIL IS FINAL. IF A VARIANCE PERMIT IS DENIED, THE PROJECT CANNOT BE BROUGHT BACK FOR A VARIANCE PERMIT IN SUBSTANTIALLY THE SAME FORM FOR A PERIOD OF ONE YEAR.**

**ALL APPROVED VARIANCES ARE SUBJECT TO CONDITIONS OF APPROVAL AS APPROVED BY THE CITY COUNCIL.**

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